

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CHICKASAW NATION and)
CHOCTAW NATION OF OKLAHOMA,)
Plaintiffs,)
vs.) No. CIV-11-927-W
MARY FALLIN, in her official capacity)
as Governor of the State of Oklahoma,)
et al.,)
Defendants.)

ORDER

Upon review of the record, including the parties' Joint Status Report [Doc. 135] filed on September 9, 2015, the Court

(1) GRANTS the parties' Joint Motion for a Further 120-Day Stay of this Action [Doc. 135] filed on September 9, 2015;

(2) hereby EXTENDS the stay in this matter until January 7, 2016;

(3) ORDERS that the stay shall include a stay of the following:

(a) the parties' obligation to file a memorandum regarding consolidation of this matter with Oklahoma Water Resources Board v. United States, No. CIV-12-275-W, see Doc. 96; and

(b) any further action on (i) the Motion to Dismiss [Doc. 66] filed by defendant Oklahoma Water Resources Board ("OWRB") pursuant to Rules 12(b)(1), 12(b)(7), and 19, F.R.Civ.P.; (ii) the Motion to Dismiss Second Amended Complaint for Lack of Jurisdiction or, Alternatively, on Abstention Grounds [Doc. 68] filed pursuant to Rule 12(b)(1), supra, by defendant Mary Fallin, in her official capacity as Governor of the State of Oklahoma

("Fallin"); (iii) the Motion for Partial Summary Judgment [Doc. 72] filed pursuant to Rule 56, F.R.Civ.P., by plaintiffs Chickasaw Nation and Choctaw Nation of Oklahoma; and (iv) the Amended Motion to Stay Briefing on Motion for Partial Summary Judgment and Motion for Enlargement of Time [Doc. 76] filed pursuant to Rule 56(d), F.R.Civ.P., by defendants Fallin, J. D. Strong, in his official capacity as OWRB Executive Director, and Rudolf John Herrmann, Tom Buchanan, Linda Lambert, Ford Drummond, Ed Fite, Marilyn Feaver, Kenneth K. Knowles, Richard Sevenoaks and Joe Taron, all in their official capacity as OWRB members and the Joinder in the State Defendants' Motion to Stay Briefing and Motion for Extension of Time [Doc. 77] filed by defendants City of Oklahoma City and Oklahoma City Water Utilities Trust;

(4) based upon the parties' representation that "[t]here has been a substitution of three parties sued in his or her official capacity as [OWRB] members[.]" Doc. 135 at 1, DIRECTS the parties to seek substitution under, and comply with Rule 25(d), F.R.Civ.P., within twenty-eight (28) days of this date; and

(5) further ORDERS the parties to this action to file a Joint Status Report on or before January 7, 2016, and to report to the Court by such date whether an extension of the stay ordered herein is warranted and would be beneficial to the resolution of any issues in this case and, if so, the additional period of time requested.

ENTERED this 10th day of September, 2015.



LEE R. WEST
UNITED STATES DISTRICT JUDGE